



---

**Testimony of Ronald J. Nault, P.E.  
On behalf of the  
The Connecticut Society of Civil Engineers (CSCE) Section of the American  
Society of Civil Engineers (ASCE)**

**Before the Government Administration and Elections Committee**

Regarding

- **HB No. 5051 – AN ACT EXPANDING MUNICIPAL AND STATE REVERSE AUCTION  
AUTHORITY TO INCLUDE THE PURCHASE OF SERVICES**

**March 11, 2013**

Chairmen Musto and Jutila, and members of the Committee, thank you for the opportunity to testify before you today. I am Ronald J. Nault, and I am a licensed Professional Engineer in the State of Connecticut, and am President of Luchs Consulting Engineers, LLC in Meriden. I am submitting this written testimony on behalf of the Connecticut Society of Civil Engineers (CSCE) Section of the American Society of Civil Engineers<sup>1</sup> (ASCE), where I am a Past-President and currently volunteer as a member of their Legislative Affairs Committee. CSCE submits this testimony in **opposition to H.B. No. 5051 as currently written, due to its inclusion of engineering and program management services under the reverse auction authority proposed by the bill.**

CSCE would be willing to support H.B. No. 5051 if language excepting engineering and program management services were included in the bill. We request that the Committee substitute the following language for the definition of "Services" in the bill (CSCE-proposed changes are bolded):

*"Services" means any (A) laundry and cleaning service, (B) pest control services, (C) janitorial service, (D) security service, (E) rental, repair or maintenance of equipment, machinery or other personal property owned by the state, a political subdivision of the state or school district, (F) advertising, (G) photostating, (H) mimeographing, or (I) other service arrangements, other than construction or construction management **or engineering (design, inspection) or program management** services, where such services are provided by persons other than employees of the state, a political subdivision of the state or a school district."*

CSCE believes that the selection of engineering services, including program management contracts, should be based on the qualifications of the engineering or engineering firm. The costs of engineering services, while important and meriting careful negotiations, is related to the scope of work to be performed, which often is not clearly defined at the time the engineer is selected. Therefore, selecting engineering services based on cost is not recommended. Accordingly, CSCE supports qualifications-based selection (QBS) procedures for selecting engineering services, such as those specified by the Brooks Architect-Engineers Act of 1972, and those currently utilized by the Connecticut Department of Transportation, among others. Attached to this testimony is a copy of ASCE Policy Statement 304 – Qualifications-Based Selection of Professional Engineers, which further clarifies and details the benefits of QBS procedures for engineering services.

It is important the Committee understand that it is impossible to completely define the required scope of engineering services prior to selection. At this time, many unknowns typically exist on a project, which cannot be fully ascertained and defined until an engineer is selected and preliminary work such as survey, site investigations, geotechnical or subsurface exploration programs, amongst other efforts, are initiated. Both a poorly defined scope of service, as well as hiring an unqualified engineer at the lowest cost, can lead to numerous change orders during construction, impact the quality of the design, and lead to minimal engineering work that can result in increased construction, operation and maintenance costs – ultimately leading to increased overall project costs.

The Connecticut Society of Civil Engineers thanks the Committee for consideration of the recommended revisions in the bill language to exempt engineering and program management services from the reverse auction authority under this bill.

Thank you,

A handwritten signature in black ink, appearing to read "Ronald J. Nault". The signature is fluid and cursive, with the first name "Ronald" and last name "Nault" clearly distinguishable.

Ronald J. Nault, P.E.

Past-President and Member, Legislative Affairs Committee

Connecticut Society of Civil Engineers Section of the American Society of Civil Engineers

<sup>1</sup> ASCE was founded in 1852 and is the oldest national civil engineering organization. It represents over 140,000 civil engineers (1,650 in Connecticut) in private practice, government, industry and academia who are dedicated to the advancement of the science and the profession of civil engineering. ASCE is a non-profit educational and professional society organized under Part 1.501(c)(3) of the Internal Revenue Code. CSCE is a 100% volunteer organization.


[KNOWLEDGE & LEARNING](#)
[LEADERSHIP & MANAGEMENT](#)
[ISSUES & ADVOCACY](#)
[LEADERSHIP & COMMUNITY](#)
[Find a Local Group](#)
[Find a Technical Group](#)
 [SEARCH](#)

## Policy Statement 304 - Qualifications-Based Selection of Professional Engineers

[Home](#)
[Policy Statements](#)
[Federal Priorities](#)
[State Priorities](#)

Approved by the Engineering Practice Policy Committee on March 25, 2010

Approved by the Policy Review Committee on May 7, 2010

Adopted by the Board of Direction on July 10, 2010

### Policy

The American Society of Civil Engineers (ASCE) believes that the selection of Professional Engineers as prime consultants and subcontractors should be based on the qualifications of the engineering firm. Qualifications including education, training, experience, past performance, capabilities, personnel and workloads should be evaluated when selecting an engineering firm.

Cost of engineering services, while important and meriting careful negotiations, is related to work to be performed which often is not clearly defined at the time the engineer is selected. Therefore, selecting consultants based on cost is not recommended.

Accordingly, ASCE supports qualifications-based selection (QBS) procedures such as those specified by the Brooks Architect-Engineers Act of 1972, 40 U.S.C. 1101 *et seq.*, more than 40 mini Brooks Acts, and the American Bar Association's Model Procurement Code for State and Local Governments for the engagement of engineering services. ASCE recommends that the application of these procedures to the development of a scope of work and the selection, procurement and administration of contracts for engineering services be the responsibility of technically qualified staff of the project owner.

### Issue

Often an owner may believe that the pivotal issue in the selection of a professional engineer is the cost of the necessary services. Also, an owner may perceive that accepting the low price to perform the work produces the project with the lowest total cost. In this case, the owner is of the belief that the required engineering services are completely described and the qualifications of all engineers are equal. ASCE believes that it is impossible to completely describe the required scope of engineering services in this manner. When construction, operations, and maintenance are considered, the lowest cost engineering services will generally not produce the lowest total project costs. Further, ASCE believes that the owner should have an established policy for designating individuals to serve on the selection committee. The selection committee should contain at least one Professional Engineer and others who are familiar with the project requirements.

### Rationale

The QBS procedure is characterized by three basic steps: (1) the owner selects the professional engineer believed best qualified to perform the required work without considering fee; (2) the owner and the selected professional engineer confer to determine and/or review the scope of work, including contract scheduling; and (3) a fee for engineering services is negotiated based upon the mutually developed scope of work. Thus, cost is addressed at the appropriate time after the scope of services has been fully defined. Pre-contract communication between the owner and engineer to jointly develop a scope of work, as called for in step 2, is critical to the success of the project and ensures a mutual understanding of the owner's expectations for the work and the specific services the engineer will provide.

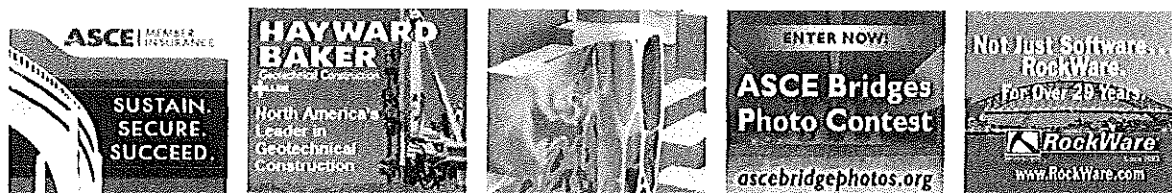
A poorly defined scope of services can result in numerous change orders. Lacking specifics, each firm may be compelled to, in order to be competitive, submit a price for the least amount of work reasonably envisioned. Detailed

analysis of the problem and the search for innovative and sustainable solutions, or even the comparison of the obvious alternatives is precluded. This approach is likely to result in minimal engineering work that will not properly evaluate the overall cost of construction, operation, and maintenance of the project.

QBS procedures are most effective when administered by those who best understand the unique nature of the service being sought. The procurer's experience with engineering organizations and proposed services, coupled with appropriate training in procurement matters, provides the required knowledge, thereby enhancing the efficiency of the civil works process.

Note: See ASCE Manual No.45 "How to Work Effectively with Consulting Engineers: Getting the Best Project At the Right Price," and ASCE Manual of Professional Practice, "Quality in the Constructed Project: A Guideline for Owners, Designers, and Constructors," for more detailed examination of this subject.

*ASCE Policy Statement 304  
First Approved in 1985*



Copyright © 1996 - 2013, American Society of Civil Engineers

[Copyright](#)

[FAQs](#)

[Privacy](#)

[Questions](#)

[Terms & Conditions](#)

[Site Map](#)

[Contact Us](#)